

PTO/SB/21 (01-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/622,993	
	Filing Date	July 18, 2003	
	First Named Inventor	Henry Welling LANE	
	Art Unit	3765	
	Examiner Name		
Total Number of Pages in This Submission	8	Attorney Docket Number	DIOP-02602

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Corrected Filing Receipt
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Derek J. Westberg (Reg. No. 40,872)	
Signature		
Date	Dec 2, 2003	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (703) 746-9195 from (408) 293-9031 on this date:		
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Date	Dec 2, 2003	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty. Dkt. No. DIOP-02602

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LANE, Henry Welling et al. Confirmation No. 3051
Serial No.: 10/622,993 Group Art Unit: 3765
Filed: July 18, 2003 Examiner:
Title: OPTICALLY CORRECT AND CLEAR EYESHIELDS

* * *

REQUEST FOR CORRECTED FILING RECEIPT

Patent Filing Receipt and Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir/Madam:

A filing receipt was mailed for the above-captioned application on November 4, 2003. The Applicant would like to correct the priority information in the filing receipt. Please amend the filing receipt to read:

This application is a DIV of 09/852,406 05/09/2001
which is a CIP of 29/130,115 09/26/2000
and a CIP of 29/130,173 09/27/2000

The Applicant is in the process of correcting the filing receipt of the immediate parent application (09/852,406). Attached are copies of the declaration and the first page of the specification of the immediate parent application indicating its priority information. Enclosed is a second preliminary amendment to the above-captioned application that identifies the relationship between the immediate parent application and the applications from which it claims priority.

If there are any questions regarding this correspondence, please contact the undersigned at (408) 293-9000

Respectfully submitted,
Law Offices of Derek J. Westberg

By



Derek J. Westberg
Reg. No. 40,872

Dec. 2, 2003

Date

COPY

PATENT
Attorney Docket No.: DIOP-02600

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **OPTICALLY CORRECT AND CLEAR EYESHIELDS**. The specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claim

Yes No

--	--

Number

Country

Day/Month/Year Filed

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

29/130,115	September 26, 2000	Pending
Application Serial No.	Filing Date	Status: Patented, Pending, Abandoned
29/130,173	September 27, 2000	Pending
Application Serial No.	Filing Date	Status: Patented, Pending, Abandoned

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
Thomas B. Haverstock 32,571	Jonathan O. Owens 37,902

Please direct all correspondence regarding this application to the following:

Thomas B. Haverstock
HAVERSTOCK & OWENS LLP
260 Sheridan Avenue, Suite 420
Palo Alto, California 94306

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PATENT
Attorney Docket No.: DIOP-02600

Full Name of First Joint Inventor: Henry Welling Lane

Inventor's Signature: _____

_____ Date

Residence: 6120 Madbury Court, San Luis Obispo, CA 93401

Citizenship: United States

Post Office Address: 6120 Madbury Court, San Luis Obispo, CA 93401

Full Name of Second Joint Inventor: Ronald L. Underwood

Inventor's Signature: _____

_____ Date

Residence: 5921 Birkdale Lane, San Luis Obispo, CA 93401

Citizenship: United States

Post Office Address: 5921 Birkdale Lane, San Luis Obispo, CA 93401

COPY**PATENT**
Attorney Docket No. DIOP-02600**OPTICALLY CORRECT AND CLEAR EYESHIELDS**Related Applications

5 This application claims priority under 35 U.S.C. §120 of the co-pending U.S. design application 29/130,115 filed on September 26, 2000 and entitled "EYESHIELDS." The design application 29/130,115 filed on September 26, 2000 and entitled "EYESHIELDS" is also hereby incorporated by reference. This application also claims priority under 35 U.S.C. §120 of the co-pending U.S. design application 29/130,173 filed on September 27, 2000 and entitled "EYESHIELDS." The design application 29/130,173 filed on September 27, 2000 and entitled
10 "EYESHIELDS" is also hereby incorporated by reference.

Field of the Invention

15 The invention relates to the field of medical eyeshields. More particularly, the invention relates to the field of designing and manufacturing medical eyeshields with optically correct and optically clear lenses.

Background of the Invention

20 Physicians perform various eye surgeries daily, each requiring specific types of care. Many times, after one of these surgeries, as part of the rehabilitation process, the patient is required to shield the eye from the environment as to not hinder the healing process. Additionally, many of these patients are able to maintain normal vision while the eye heals. Such operations include cataract surgery and the ever increasingly popular vision correction surgeries. Because a patient of one of these surgeries regains normal vision immediately or shortly after the operation is completed, an optically clear and correct eyeshield is needed so that the patient may
25 perform everyday tasks while the eye heals. It is also important that the eye receives adequate air circulation during the healing process.

Existing eyeshields do not provide the patient with all of the necessary aforementioned aspects. Prior eyeshield designs lack a functional eyeshield that also allows for comfort and accurate vision. In other words, prior designs do embody an eyeshield that allows for proper air
30 circulation for optimal healing capabilities combined with a comfortable fit and optically correct vision.

Atty. Dkt. No. DIOP-02602

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LANE, Henry Welling et al. Confirmation No. 3051
Serial No.: 10/622,993 Group Art Unit: 3765
Filed: July 18, 2003 Examiner:
Title: OPTICALLY CORRECT AND CLEAR EYESHIELDS

* * *

SECOND PRELIMINARY AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please amend the subject application as follows

This submission conforms to the revised format as set forth in AMENDMENTS IN A
REVISED FORMAT NOW PERMITTED, 1267 *Off. Gaz. Pat. Office* 106 (February 25, 2003).

Atty. Dkt. No. DIOP-02602

AMENDMENTS TO THE SPECIFICATION

Please replace the paragraph beginning at page 1, line 4 with the following amended paragraph:

5 This is a division of Application No. 09/852,406, filed May 09, 2001. ~~This-~~ The
application 09/852,406 claims priority under 35 U.S.C. §120 and is a continuation-in-part of the
co-pending U.S. design application 29/130,115 filed on September 26, 2000 and entitled
"EYESHIELDS." The design application 29/130,115 filed on September 26, 2000 and entitled
"EYESHIELDS" is also hereby incorporated by reference. This application also claims priority
under 35 U.S.C. §120 and is a continuation-in-part of the co-pending U.S. design application
10 29/130,173 filed on September 27, 2000 and entitled "EYESHIELDS." The design application
29/130,173 filed on September 27, 2000 and entitled "EYESHIELDS" is also hereby
incorporated by reference.

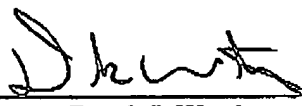
Atty. Dkt. No. DIOP-02602**REMARKS**

The first paragraph of the application is amended to clarify relationship between the parent application 09/852,406 and applications upon which it claims priority as being a continuation-in-part of design applications 29/130,115 and 29/130,173.

The Applicant respectfully requests examination and consideration in view of the amendments made above.

If there are any questions regarding this correspondence, please contact the undersigned at (408) 293-9000

Respectfully submitted,
Law Offices of Derek J. Westberg

By 
Derek J. Westberg
Reg. No. 40,872

Dec. 2, 2003

Date